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Rodric C. Fan

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70409

7590

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2617

MAIL DATE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/737,294	<b>Applicant(s)</b> FAN ET AL.	
	<b>Examiner</b> MELODY MEHRPOUR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31, 33-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. In view of the pre-Brief Conference request filed on 3/11/08, PROSECUTION IS HEREBY REOPENED. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Dwayne D. BOST/  
Supervisory Patent Examiner,  
Art Unit 2617.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-4, 8-11, 13-16, 18-22, 24, 26-27, 29, 31, 33,** are rejected under 35 U.S.C. 102(e) as being anticipated by Jacobson et al. (US Patent 6,466, 796 B1).

Regarding **claim 1**, JACOBSON teaches a method for determining the location of a mobile unit using a telephone number of a wireline telephone in the vicinity of said mobile unit comprising:

receiving a telephone number 114 of a wireline 111/112 (see figure 1) telephone server 110 said telephone number transmitted from said mobile unit using wireless communication through a data network 110/120, the wireline telephone being located in a vicinity of the mobile unit and the telephone number being wirelessly transmitted to the data network by the mobile unit (col 4 lines 1-38);

retrieving an address associated with said telephone number in said server (col 4 lines 1-23, col 6 lines 55-67, col 6 lines 1-20); and

retrieving a location of said mobile unit based on said address (col 5 lines 55-67, col 6 lines 1-7).

Regarding **claim 2**, JACOBSON teaches a method of locating a mobile (see figure 2) wherein the system transmitting said location determined using said address to said

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mobile unit via wireless communication through said data network 110/120 (see figure 1, col 5 lines 45-67, col 6 lines 1-20).

Regarding **claim 3**, JACOBSON teaches a method further comprising:

obtaining at said server location-relevant (see figure ) information using said location (col 5 lines 55-67, col 6 lines 1-8).

Regarding **claim 4**, JACOBSON teaches a method further comprising: returning said location-relevant information to said mobile unit 101 via wireless communication through said data network 110 (see figure 1, col 5 lines 64-67, col 6 lines 1-8).

Regarding **claim 8**, JACOBSON teaches a method wherein said data network comprises:

receiving said telephone number of said wireline telephone through said data network, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit, further comprises:

receiving said telephone number of said wireline telephone 114 (see figure ) through said data network 110/120 (see figure 1), said wireline telephone being located in said vicinity of said mobile unit 101 , and said telephone number 114 being wirelessly transmitted to said data network by said mobile unit, wherein said data network is a publicly shared network 120 (see figure 1, col 5 lines 45-67, col 6 lines 1-8).

Regarding **claim 9**, JACOBSON teaches a method wherein (see figure 1);

receiving said telephone number of said wireline telephone through said data network, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit, further comprises:

receiving said telephone number of said wireline telephone through said data network, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit using a wireless link and a gateway coupled with said data network (see claim 1, col 5 lines 45-67, col 6 lines 1-8).

Regarding **claim 10**, JACOBSON teaches a method wherein:

receiving said telephone number of said wireline telephone through said data network, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit, further comprises:

receiving said telephone number of said wireline telephone through said data network, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data

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network by said mobile unit using a cellular telephone network (col 5 lines 45-67, col 6 lines 1-20) .

Regarding **claim 11**, JACOBSON inherently teaches a method wherein said wireless communication comprises communication via a cellular telephone modem; and receiving said telephone number of said wireline telephone through said data network, said wireline telephone being located in said vicinity of said mobile unit; and said telephone number being wirelessly transmitted to said data network by said mobile unit, further comprises:

receiving said telephone number of said wireline telephone 114 through said data network 110, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit using a cellular telephone modem (col 5 lines 45-57, col 6 lines 1-20, col 7 lines 4-22). The system connected to the cellular network, therefore, it should have cellular modem

Regarding **claim 13**, JACOBSON teaches a method wherein said location-relevant information utilizing said location to obtain said location-relevant information associated with said location further comprises:

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utilizing said location to obtain said location-relevant information

associated with said location, said location-relevant information comprising: an address associated with a local point of interest (see figure 2, col 5 lines 1-45).

Regarding **claim 14**, JACOBSON teaches a method wherein said retrieving said address associated with said telephone number in said server comprises:

querying a first database 110/120 containing information for mapping said telephone number to said address (col 4 lines 1-38, col 5 lines 1-42).

Regarding **claim 15**, JACOBSON teaches a method wherein said retrieving a location of said mobile unit based on said address comprises:

querying a second database containing mapping information for mapping said address to said location (col 5 lines 45-67, col 6 lines 1-7).

Regarding **claim 16**, JACOBSON teaches a method wherein said location comprises a position coordinate comprising longitude and latitude information (col 5 lines 64-67, col 6 lines 1-7).

Regarding **claim 18**, JACOBSON teaches a method for providing location-relevant information over a data network 110 to a mobile unit 101 (see figure 1), comprising:



receiving at said server a first telephone number associated with a first wireline telephone 114, said first telephone number being transmitted from said mobile unit using wireless communication through said data network 110;

retrieving a first address associated with said first telephone number in said server (see figure 1, col 6 lines 5 lines 45-67, col 6 lines 1-8); and

retrieving a first location based on said first address (col 5 lines 45-67, col 1-20).

Regarding **claim 19**, JACOBSON teaches a method wherein said first wireline telephone 114 is near the vicinity of said mobile unit 101 (see figure 1, col 5 lines 55-67, col 6 lines 1-20).

Regarding **claim 20**, JACOBSON teaches a method wherein receiving said first telephone number through said data network, said first telephone number being associated with said first wireline telephone, and said first telephone number being wirelessly transmitted by said mobile unit to said data network, further comprises:

receiving said first telephone number through said data network, said first telephone number being associated with said first wireline telephone 114, and said first telephone number being wirelessly transmitted by said mobile unit 101 to said data network 110, wherein said first wireline telephone 114 is located at a destination of interest (col 5 lines 45-67, col 6 lines 1-20).

Regarding **claim 21**, JACOBSON teaches a method of locating a mobile unit wherein the system returning said location determined using said address to said mobile unit via wireless communication through said data network (col 5 lines 45-67, col 6 lines 1-20).

Regarding **claim 22**, JACOBSON teaches a method further comprising:

obtaining at said server location-relevant information using said location (col 5 lines 45-67, col 6 lines 1-8);

returning said location-relevant information to said mobile unit via wireless communication through said data network (col 5 lines 64-67, col 6 lines 1-7).

Regarding **claim 24**, JACOBSON teaches a method wherein said location comprises a position coordinate comprising longitude and latitude information (col 5 lines 64-67, col 6 lines 1-7).

Regarding **claim 26**, JACOBSON teaches a method further comprising:

receiving at said server a second telephone number of a second wireline telephone in the vicinity of said mobile unit, said second telephone number being transmitted from said mobile unit using wireless communication through a data network 110 (see figure 1, col 3 lines 40-67, col 4 lines 1-37);

retrieving a second address associated with said second telephone number in said server (col 3 lines 57-67, col 4 lines 1-20); and

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retrieving a second location of said mobile unit based on said second address  
(col 4 lines 1-37).

Regarding **claim 27**, JACOBSON teaches returning said location-relevant information to said mobile unit via wireless communication through said data network 110 wherein the system returning said location determined using said address to said mobile unit via wireless communication through said data network 110 (col 6 lines 24-45).

Regarding **claims 29, 33**, JACOBSON teaches a method wherein said location comprises a position coordinate comprising longitude and latitude information retrieving said second location of said mobile unit based on said second address further comprises:

retrieving said second location of said mobile unit based on said second address, wherein said first location and said second location each comprise a position coordinate comprising longitude and latitude information (col 5 lines 64-67, col 6 lines 1-7).

Regarding **claim 31**, JACOBSON teaches a location-relevant service system comprising:

wireline telephone number to an address and a second set of information for mapping said an-address to a location, said server receiving a first telephone

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number through said data network, said first telephone number being associated with a first wireline telephone that is located in a vicinity of said mobile unit, and said server determining a first location based on said first telephone number, wherein said first location is indicative of a location of said mobile unit location (col 5 lines 45-67, col 6 lines 1-20).

Regarding **claims 35-37**, JACOBSON teaches a location-relevant service system wherein said server provides location-relevant information based on said first location and said second location to said mobile unit 101 (col 5 lines 45-67, col 6 lines 1-7).

3. **Claims 6-7**, are rejected under 35 U.S.C. 103(a) as being unpatentable over JACOBSON et al. (US patent 6,466,796 B1) in view of Kung et al. (US Patent Number 6,680,935 B1).

Regarding **claims 6-7**, JACOBSON fails to teach a method further comprising:

providing said location determined using said telephone number to an emergency service providing assistance to said mobile unit. However Kung teaches a method further comprising:

providing said location determined using said telephone number to an emergency service providing assistance to said mobile unit (col 12 lines 24-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of

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the invention to combine the above teaching of Kung with Morse, in order to provide improved system by allowing user to request complete review of their dynamic data upon contacting their own home page.

4. **Claims 5, 23**, are rejected under 35 U.S.C. 103(a) as being unpatentable over JACOBSON et al. (US Patent 6,466,796 B1) and in further view of Obradovich (US Patent Number 2002/0045456 A1).

Regarding **claim 5**, JACOBSON fails to teach a method wherein said obtaining at said server said location-relevant information using said address comprises:

querying a second server for said location-relevant information based on said location; and

transmitting said location-relevant information from said second server to said server via said data network. However Obradovich teaches a method wherein said obtaining at said server said location-relevant information using said address comprises:

querying a second server for said location-relevant information based on said location (page 2 section 0026); and

transmitting said location-relevant information from said second server to said server via said data network (see figure 1, page 2 section 0026, page 3 section 0033).

Obradovich teaches GPS server and application server, in FIG. 3 includes a subscriber server and a GPS server. The subscriber server and GPS server are in communication

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with various web servers over the Internet, as well as with mobile devices. As illustrated, the mobile devices include a cell phone, a PCD, and an automobile phone. Together, the subscriber server, GPS server, and the mobile devices comprise a mobile service system. The PCD and the automobile telephone system are both coupled to user-specific storage areas which provide additional information (page 3 section 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Obradovich with JACOBSON, in order to provide improved system by allowing user to request complete review of their dynamic data upon contacting their own home page.

Regarding **claim 23**, JACOBSON fails to teach a method wherein said obtaining at said server location-relevant information using said first location comprises:

- querying a second server for said location relevant information based on said first location; and

- transmitting said location-relevant information from said second server to said server via said data network. However Obradovich teaches a method wherein said obtaining at said server said location-relevant information using said address comprises:

- querying a second server for said location-relevant information based on said first location (page 2 section 0026); and

- transmitting said location-relevant information from said second server to said server via said data network (page 2 section 0026) .Obradovich teaches GPS server

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and application server, in FIG. 3 includes a subscriber server and a GPS server. The subscriber server and GPS server are in communication with various web servers over the Internet, as well as with mobile devices. As illustrated, the mobile devices include a cell phone, a PCD, and an automobile phone. Together, the subscriber server, GPS server, and the mobile devices comprise a mobile service system. The PCD and the automobile telephone system are both coupled to user-specific storage areas which provide additional information (page 3 section 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Obradovich with JACOBSON, in order to provide improved system by allowing user to request complete review of their dynamic data upon contacting their own home page.

5. **Claim 12**, is rejected under 35 U.S.C. 103(a) as being unpatentable over JACOBSON et al. (US Patent 6,466,796 B1) in view of ALBAL et al. (US Publication 2003/047518).

Regarding claim 12, JACOBSON teaches a method wherein said wireline telephone 114 receiving said telephone number of said wireline telephone through said data network 110, said wireline telephone being located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit (col 4 lines 60-67, col 5 lines 1-10) further comprises:

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receiving said telephone number of said wireline telephone through said data network, said wireline telephone being a telephone located in said vicinity of said mobile unit, and said telephone number being wirelessly transmitted to said data network by said mobile unit (see figure 1, col 4 lines 1-38). The system connected to the cellular network, therefore, it should have cellular modem.

Jacobson fails to teach a method wherein said wireline telephone is a pay phone.

However, ALBAL teaches a method wherein said wireline telephone is a pay phone (0016). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with JACOBSON, in order to enable the authorities in case of emergency obtain the caller information, if the caller party elects to place a block on delivery of his identification data.

6. **Claims 17, 25, 30, 34**, are rejected under 35 U.S.C. 103(a) as being unpatentable over JACOBSON et al. (US Patent 6,466,796 B1) in view of Bentley (US Publication 2003/0104822).

Regarding **claims 17, 25**, JACOBSON fails to teach a method wherein said mapping information for mapping said address to said location is obtained using Geo-Coding. However, Bentley teaches a method wherein said mapping information for mapping said address to said location is obtained using Geo-Coding (0034). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention



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to combine the above teaching of Bentley with JACOBSON, in order to provide the street location corresponding to the determined GPS.

Regarding **claims 28, 38** JACOBSON fails to teach a method wherein said location-relevant information comprises driving direction from said second location to said first location (0023). However, Bentley teaches a method wherein said location-relevant information comprises driving direction from said second location to said first location (0023). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with JACOBSON, in order to provide the street location corresponding to the determined GPS.

Regarding **claims 30, 34**, JACOBSON fails to teach a method wherein said mapping information for mapping said address to said first and the second locations, respectively, using Geo-Coding. However, Bentley teaches a method wherein said mapping information for mapping said address to said first and the second locations, respectively, using Geo-Coding (0034). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Bentley with JACOBSON, in order to provide the street location corresponding to the determined GPS.

### ***Response to Arguments***

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7. Applicant's arguments filed 3/9/09 have been fully considered but they are not persuasive.

In response to the applicant's argument that *"nothing in Jacobson indicates that the telephone station 114 of a location based service provider is anywhere in the vicinity of the location of the mobile user/calling wireless telephone; only that the telephone station 114 is one that provides service to the user's/wireless telephone station, retrieving an address an address associated with the telephone number, and retrieving the location of the mobile unit based on the address."*

The Examiner asserts that Jacobson teaches a wireless location system is connected to the mobile switching system. A telephone call to a location based service from a wireless telephone set is completed in the following manner. A wireless telephone establishes a radio connection to an antenna and transmits a location based telephone number to the antenna. The antenna transmits the location based telephone number to the mobile switching system. Upon receiving the location based telephone number, the mobile switching system transmits a request for location data about the wireless telephone set to the connected location system. The location system determines the location of the wireless telephone set, generates the location data, and transmits the location data for the wireless telephone set to mobile switching system. The mobile switching system receives the location data and then generates a call set-up message that includes the location data. The call set-up message is transmitted to a connected non-wireless public switching system. The public switching system then performs a look-up routine in a location based service provider database using the location data from the call set-up message to determine the location based

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service provider that provides service to the location of the caller. The telephone call is then extended to the location based service provider. Therefore, when the mobile is in vicinity of a telephone station or (telephone station is in vicinity of the location of mobile) The public switching system **then performs a look-up routine in a location based service provider database using the location data from the call set-up message to determine the location based service provider that provides service to the location of the caller** (retrieving an address associated with the telephone number retrieving the location of the mobile unit based on the address). The telephone call is then extended to the location based service provider.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, JACOBSON fails to teach a method further comprising: providing said location determined using said telephone number to an emergency service providing assistance to said mobile unit. However Kung teaches a method further comprising: providing said location determined using said telephone number to an emergency service providing assistance to said mobile unit (col 12 lines 24-45). Therefore, by combining the above

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teaching of Kung with Morse, providing improved system by allowing user to request complete review of their dynamic data upon contacting their own home page.

### **Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELODY MEHRPOUR whose telephone number is 5(571)272-791313. The examiner can normally be reached on 8:00 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached (571) 272-7023.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Naghmeh Mehrpour/

Primary Examiner, Art Unit 2617

May 12, 2009